

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2015 NOV 19 PM 2:44

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

DT FASHION LLC,  
An Ohio limited-liability company  
1156 Chambers Road  
Columbus, Ohio 43212

Plaintiff,

vs.

SANTANA JADE CLINE  
8243 Chippenham Drive  
Dublin, Ohio 43016

And

THE DARK MONKEY LLC  
A Nevada limited-liability company  
6170 W. Lake Mead Blvd.,  
Box 46185  
Las Vegas, Nevada 89108

Defendants.

Case No. 2:15 CV 3020

Judge Judge Sargus

**MAGISTRATE JUDGE DEEVERS**

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT**

Now comes the Plaintiff, DT Fashion LLC, through undersigned counsel, and for its complaint states as follows:

**PARTIES**

1. Plaintiff DT Fashion LLC (hereinafter "Plaintiff" or "DT Fashion") is an Ohio limited-liability company with its principal place of business at 1156 Chamber Road, Columbus, Ohio 43212.
2. Defendant Santana Jade Cline ("Defendant" or "Cline") is a natural person residing at 8243 Chippenham Drive, Dublin, Ohio 43017.

3. Defendant The Dark Monkey LLC (“Dark Monkey”) is a Nevada limited liability company. Its purported principal place of business is a UPS Store located at 6170 W. Lake Mead Blvd., Box #46185, Las Vegas, Nevada 89108.
4. Defendant Dark Monkey was incorporated on or about, October 30, 2015. To Plaintiff’s knowledge, Dark Monkey does not operate any business.

#### **JURISDICTION AND VENUE**

5. This claim is asserted and jurisdiction of the Court is invoked under 28 U.S.C. §§1338 and 1391.
6. This cause of action arises under and is based upon 15 U.S.C. §1051 et seq., for violation of the trademark laws of the United States.
7. Venue is proper in this judicial district under 28 U.S.C. §1391(b).

#### **FACTS**

8. Plaintiff DT Fashion designs, creates, promotes, markets and sells men’s, women’s and children’s apparel focused on humor and satire inspired by topical subjects, pop culture, etc.
9. On October 29, 2013, the United States Patent and Trademark Office (“USPTO”) granted DT Fashion a federal registration for the phrase “Ya Filthy Animal,” registration number 4425118 (the “Mark”). See, Exhibit “A” Trademark Registration.
10. Plaintiff registration is valid and subsisting, and is unconcealed and unrevoked.
11. DT Fashion has built a brand around the Mark and among its most popularly selling products are t-shirts, sweatshirts and sweaters containing the phrase “Merry Christmas Ya Filthy Animal”.

12. That Mark is used extensively in interstate commerce and is further licensed to other individuals and/or entities for use on their own merchandise.
13. Plaintiff promotes, markets, sells and distributes its merchandise primarily through a network of websites and specialty e-commerce marketplaces (ex: ETSY Inc., at [www.etsy.com](http://www.etsy.com)) as well as various social media outlets and its own proprietary website.
14. On October 30, 2015 defendant Cline applied for a trademark registration for the phrase "Merry Christmas Ya Filthy Animal". See, Exhibit "B" USPTO Registration Search.
15. Defendant Cline's October 30, 2015 application is in such an early stage of processing with the USPTO that a trademark examiner has yet to be assigned to the application. Accordingly, neither Defendant Cline nor Defendant Dark Monkey has a federally registered trademark for the phrase "Merry Christmas Ya Filthy Animal."
16. DT Fashion operates two stores on the popular ETSY website, respectively named "TeesToYou" and "YaFilthyAnimalStore".
17. Beginning November 9, 2015, Defendant Cline filed trademark infringement claims with ETSY for the phrase "Merry Christmas Ya Filthy Animal", causing the deactivation of fifty-two (52) of plaintiff's merchandise listings from the stores "TeesToYou" and "YaFilthyAnimalStore". (See, Exhibit "C" ETSY Trademark Deactivation)
18. On or about November 17, 2014, Defendant Cline filed for copyright protection under the title "Merry Christmas Ya Filthy Animal" for the design (the "Design") attached hereto as Exhibit "D".
19. The Design is an original, creative work and was created as part of a collaboration of several employees of DT Fashion.

20. Beginning on October 27, 2015 Defendants Cline and Monkey filed a DMCA copyright infringement claim with ETSY, claiming a copyright in the Design, causing the deactivation of six (6) merchandise listings from DT Fashion's two ETSY shops.

### **PROCEDURAL HISTORY**

21. On October 5, 2015, Defendant Cline filed in the U.S. Bankruptcy Court, District of Nevada, a voluntary petition under Chapter 11, captioned as *In re Santana Cline*, Case No. 2015-bk-15412.

22. This will be Defendant Cline's sixth (6) bankruptcy filing in the preceding five (5) years.

23. Defendant Cline's bankruptcy stay does not apply in this matter because the causes of action giving rise to this complaint occurred after she filed her voluntary petition.

24. Defendant Cline's bankruptcy stay does not apply in this matter because the within cause of action does not affect the property of the debtor's estate, as Plaintiff will show, she has no property interest in either the Plaintiff's Mark or the Design. Further, Plaintiff has not requested monetary damages.

25. Defendant Cline's bankruptcy stay protection does not protect the tortious conduct committed by Defendant after her petition was filed.

### **COUNT ONE DECLARATORY JUDGMENT AS TO PLAINTIFFS TRADEMARK**

26. Plaintiff re-alleges and re-incorporates the preceding paragraphs as if fully re-written herein.

27. Plaintiff DT Fashion is the owner of the "Ya Filthy Animal" trademark, and the owner of the goodwill of the business appertaining to the Mark.

28. Plaintiff's registration is valid and subsisting and is unconcealed and unrevoked.

29. Plaintiff's use of the trademark "Ya Filthy Animal" is lawful pursuant to its federally protected trademark rights.
30. Defendant Cline and Defendant Dark Monkey cannot claim a federally protected trademark right in the phrase "Merry Christmas Ya Filthy Animal" unless said copyright registration is approved by the U.S. Patent and Trademark Office and published upon the Principal Register.
31. Defendant Cline and Defendant Dark Monkey does not possess a superior right to DT Fashion, or its licensees, to use the Plaintiff's Mark.
32. Defendant Cline and Defendant Dark Monkey do not possess a superior right to DT Fashion, or its licensees, for use of the phrase "Merry Christmas Ya Filthy Animal".


**COUNT TWO**  
**DECLARATORY JUDGMENT AS TO DEFENDANTS COPYRIGHT**

33. Plaintiff re-alleges and re-incorporates the preceding paragraphs as if fully re-written herein.
34. On or about November 17, 2014, defendant Cline filed for copyright protection under the title "Merry Christmas Ya Filthy Animal" for the design (the "Design") attached hereto as Exhibit "D".
35. The Design was actually created as a collaboration of several employees and/or agents of DT Fashion.
36. Defendant Cline copyright application was made in bad faith and knowing the design was created by another.
37. Defendant Cline cannot claim a superior right to use the Design over Plaintiff, or any of Plaintiff's licensees.

**WHEREFORE**, Plaintiff DT Fashion LLC, hereby requests this Court enter judgment as follows:

1. Declaratory judgment that Plaintiff DT Fashion LLC's trademark registration for "Ya Filthy Animal", U.S.P.T.O Registration No. 4425118 is lawful and permits its use according to federal trademark law;
2. Declaratory judgment that Defendant Santana Cline and Defendant The Dark Monkey LLC do not have an active trademark registration for the phrase "Merry Christmas Ya Filthy Animal";
3. Declaratory judgment that Defendants Cline and Dark Monkey do not have a superior right over Plaintiff DT Fashion or its licensees, to use the phrase "Merry Christmas Ya Filthy Animal", unless Defendants are granted a full trademark registration, and published on the official Register, by the U.S. Patent and Trademark Office.
4. Declaratory judgment that Plaintiff DT Fashion was the original author and creator of the Design registered by Defendant Santana Cline with the U.S. Copyright Office.
5. Declaratory judgment that Defendant Santana Cline does not have any rights to the use of the Design currently registered in her name.

Respectfully submitted,

  
/s/ Pete Ezanidis  
Peter Ezanidis (0079372)  
*Attorney for Plaintiff*  
5 E. Long St., Suite 601  
Columbus, Ohio 43215  
614-223-1100;  
866.610.6306 (Fax)  
[pce@pce-law.com](mailto:pce@pce-law.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DT FASHION LLC

Plaintiff,

vs.

SANTANA JADE CLINE, et al.

Defendants.

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

AFFIDAVIT FOR VERIFIED COMPLAINT

COUNTY OF FRANKLIN )

)SS:

STATE OF OHIO )

Now come the affiant, ELLIOTT FISHER, being first duly cautioned and sworn, and hereby states as follows:

1. I am the agent of Plaintiff DT Fashion LLC, and an adult competent to give sworn testimony.
2. I have personal knowledge of the facts contained below.
3. I have read and reviewed the Verified Complaint for Declaratory Judgment with respect to the above captioned matter, filed on behalf of DT Fashion, LLC.
4. That the facts contained therein are true and accurate to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

11/18/15

Date

*Elliott Fisher*  
Affiant

Sworn to and subscribed before me on this the 18<sup>th</sup> day of November, 2015 by the above named affiant.



PETER C. EGAN  
ATTORNEY AT LAW  
My Commission Expires 12/31/16  
Section 147.39 R.C.

*Peter C. Egan*  
Notary Public

11/16/2015

Trademark Electronic Se



United States Patent and Trademark Office  
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PLAINTIFF'S EXHIBIT

**A**

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Nov 16 03:21:04 EST 2015

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP PREV LIST CURR LIST  
NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

**Logout** Please logout when you are done to release system resources allocated for you.

**Start** List At: OR **Jump** to record:

**Record 5 out of 5**

**TSDR** **ASSIGN Status** **TTAB Status** ( Use the "Back" button of the Internet Browser to return to TESS)

# Ya Filthy Animal

**Word Mark** YA FILTHY ANIMAL  
**Goods and Services** IC 025. US 022 039. G & S: Hats; Sweaters; Sweatshirts; T-shirts. FIRST USE: 20120920. FIRST USE IN COMMERCE: 20120920  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 85871704  
**Filing Date** March 8, 2013  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** August 13, 2013  
**Registration Number** 4425118  
**Registration Date** October 29, 2013  
**Owner** (REGISTRANT) DT FASHION LIMITED LIABILITY COMPANY OHIO 1799 W 5TH AVE UNIT 120 Columbus OHIO 43212  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP PREV LIST CURR LIST



11/16/2015

Trademark Electronic Search



United States Patent and Trademark Office

PLAINTIFF'S EXHIBIT

**B**[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contact](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Mon Nov 16 03:21:04 EST 2015

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE Dict	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
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NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC
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Logout

Please logout when you are done to release system resources allocated for you.

Start

List At:

OR  to record:**Record 1 out of 5**

TSDR

ASSIGN Status

TTAB Status

( Use the "Back" button of the Internet Browser to return to TESS)

**MERRY CHRISTMAS YA FILTHY ANIMAL**

<b>Word Mark</b>	MERRY CHRISTMAS YA FILTHY ANIMAL
<b>Goods and Services</b>	IC 040. US 100 103 106. G & S: Custom imprinting of clothing with decorative designs. FIRST USE: 20101101. FIRST USE IN COMMERCE: 20101101
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	86805363
<b>Filing Date</b>	October 30, 2015
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Owner</b>	(APPLICANT) Cline, Santana Jade LIMITED LIABILITY COMPANY NEVADA 6170 W. Lake Mead Blvd #46185 Las Vegas NEVADA 89108
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE Dict	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

From: **Etsy Legal** <legal@etsy.com>  
Date: Mon, Nov 9, 2015 at 5:20 PM  
Subject: Notice of Intellectual Property Infringement  
To: [TeesToYouEtsy@gmail.com](mailto:TeesToYouEtsy@gmail.com)



Dear TeesToYou,

**PLAINTIFF'S EXHIBIT**

Etsy received a notice of trademark infringement from Santana Cline / The Dark Monkey, LLC alleging that certain material on Etsy is not authorized. In accordance with our Intellectual Property Policy, Etsy deactivated the material specified as infringing -- 26 listing(s).

If you have questions about the notice, you may consider contacting Santana Cline ([merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)), the authorized representative of Santana Cline / The Dark Monkey, LLC who provided Etsy with the notice, or talk to an attorney. Also, please reference the following help article for insight about how Etsy handles these types of notices and issues.

Do not re-activate the material unless you've resolved the issue with the notifying party and/or intellectual property owner. Repeat notices of infringement may result in the loss of account privileges.

Below is the information provided in the notice:

**Santana Cline / The Dark Monkey, LLC Representative's Information**

Name: Santana Cline

Company or organization: The Dark Monkey, LLC

Job title: Owner

Email: [merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)

**Santana Cline / The Dark Monkey, LLC Intellectual Property**

Intellectual Property: Merry Christmas Ya Filthy

Intellectual Property Right: trademark

Trademark registration number: 86805363

11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

Trademark jurisdiction: USTPO

Trademark information: Trademark Registration: pending

Trademark application classes: Goods and Services IC 040. US 100 103 106. G & S:

Custom imprinting of clothing with decorative designs. FIRST USE: 20101101. FIRST  
USE IN COMMERCE: 20101101

Legal basis for trademark: Word mark

Our lawsuit (including John Does) for copyright and trademark infringement is 2:15-  
cv-02115-JCM-VCF Cline v. Etsy Inc et al

Trademark first year: 2010

Use of trademark: ECommerce - TheDarkMonkey - MerryChristmasMonkey

Type of infringing material: listing

Infringing material reported:

<https://www.etsy.com/listing/175613706/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/250819175/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166756626/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/171277452/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166756116/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/168982457/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166764799/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/170764709/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166766359/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/168004384/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/168981191/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/171277698/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/168004376/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/250800951/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/249030117/toddler-merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166756548/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/170748724/2t-3t-4t-merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/168982249/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166756534/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/171277690/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/168980795/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/170747942/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/250906372/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/166766935/merry-christmas-ya-filthy-animal-funny>

11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

<https://www.etsy.com/listing/171317557/sm-5xl-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/166764749/merry-christmas-ya-filthy-animal-funny>

Thank you,  
Etsy Legal

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal representation. For legal help, please consult an attorney.

You are receiving this email from Etsy, Inc. because you registered on [Etsy.com](https://www.etsy.com) with this email address.

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11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

From: **Etsy Legal** <[legal@etsy.com](mailto:legal@etsy.com)>  
Date: Mon, Nov 9, 2015 at 5:20 PM  
Subject: Notice of Intellectual Property Infringement  
To: [YaFilthyAnimalStore@gmail.com](mailto:YaFilthyAnimalStore@gmail.com)



Dear YaFilthyAnimal Store,

Etsy received a notice of trademark infringement from Santana Cline / The Dark Monkey, LLC alleging that certain material on Etsy is not authorized. In accordance with our [Intellectual Property Policy](#), Etsy deactivated the material specified as infringing -- 26 listing(s).

If you have questions about the notice, you may consider contacting Santana Cline ([merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)), the authorized representative of Santana Cline / The Dark Monkey, LLC who provided Etsy with the notice, or talk to an attorney. Also, please reference the following [help article](#) for insight about how Etsy handles these types of notices and issues.

Do not re-activate the material unless you've resolved the issue with the notifying party and/or intellectual property owner. Repeat notices of infringement may result in the loss of account privileges.

Below is the information provided in the notice:

**Santana Cline / The Dark Monkey, LLC Representative's Information**

Name: Santana Cline

Company or organization: The Dark Monkey, LLC

Job title: Owner

Email: [merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)

**Santana Cline / The Dark Monkey, LLC Intellectual Property**

Intellectual Property: Merry Christmas Ya Filthy

Intellectual Property Right: trademark

Trademark registration number: 86805363

11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

Trademark jurisdiction: USTPO

Trademark information: Trademark Registration: pending

Trademark application classes: Goods and Services IC 040. US 100 103 106. G & S:  
Custom imprinting of clothing with decorative designs. FIRST USE: 20101101. FIRST  
USE IN COMMERCE: 20101101

Legal basis for trademark: Word mark

Our lawsuit (including John Does) for copyright and trademark infringement is 2:15-  
cv-02115-JCM-VCF Cline v. Etsy Inc et al

Trademark first year: 2010

Use of trademark: ECommerce - TheDarkMonkey - MerryChristmasMonkey

Type of infringing material: listing

Infringing material reported:

<https://www.etsy.com/listing/250900300/babies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/205485385/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/205446040/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/250900462/babies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/212152597/unisex-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/205574890/infants-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/205561896/babies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/205446008/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/212151790/babies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/205451016/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/212155115/infants-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/212649314/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/214196839/kids-sweatshirt-merry-christmas-ya>  
<https://www.etsy.com/listing/212145944/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/250899646/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/212654061/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/211010672/ladies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/250794369/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/205469652/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/211019118/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/211028655/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/250794853/babies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/205484779/ladies-merry-christmas-ya-filthy-animal>  
<https://www.etsy.com/listing/212155149/merry-christmas-ya-filthy-animal-funny>

11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

<https://www.etsy.com/listing/205456699/merry-christmas-ya-filthy-animal-funny>  
<https://www.etsy.com/listing/212654727/merry-christmas-ya-filthy-animal-ugly>

Thank you,  
Etsy Legal

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal representation. For legal help, please consult an attorney.

You are receiving this email from Etsy, Inc. because you registered on [Etsy.com](https://www.etsy.com) with this email address.

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11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

From: **Etsy Legal** <[legal@etsy.com](mailto:legal@etsy.com)>  
Date: Tue, Nov 10, 2015 at 6:12 PM  
Subject: Notice of Intellectual Property Infringement  
To: [TeesToYouEtsy@gmail.com](mailto:TeesToYouEtsy@gmail.com)



Dear TeesToYou,

Etsy received a notice of trademark infringement from Santana Cline alleging that certain material on Etsy is not authorized. In accordance with our [Intellectual Property Policy](#), Etsy deactivated the material specified as infringing -- 2 listing(s).

If you have questions about the notice, you may consider contacting Santana Cline ([merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)), the authorized representative of Santana Cline who provided Etsy with the notice, or talk to an attorney. Also, please reference the following [help article](#) for insight about how Etsy handles these types of notices and issues.

Do not re-activate the material unless you've resolved the issue with the notifying party and/or intellectual property owner. Repeat notices of infringement may result in the loss of account privileges.

Below is the information provided in the notice:

**Santana Cline Representative's Information**

Name: Santana Cline  
Company or organization: The Dark Monkey, LLC  
Job title: Owner  
Email: [merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)

**Santana Cline Intellectual Property**

**Intellectual Property: Merry Christmas Ya Filthy Animal**

Intellectual Property Right: trademark

Trademark registration number: 86805363

Trademark jurisdiction: USPTO



11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

Trademark information: Trademark Registration: pending

Trademark application classes: 040- Custom Imprinting of Goods

Legal basis for trademark: Imprinting Design Copyright and Trademark of Custom Christmas Apparel Company

Trademark first year: 2010

Use of trademark: In Store and Online - Web stores

Type of infringing material: listing

Infringing material reported:

<https://www.etsy.com/listing/166756528/merry-christmas-ya-filthy-animal-funny>

<https://www.etsy.com/listing/168004384/merry-christmas-ya-filthy-animal-funny>

Thank you,

Etsy Legal

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal representation. For legal help, please consult an attorney.

You are receiving this email from Etsy, Inc. because you registered on [Etsy.com](https://www.etsy.com) with this email address.

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11/16/2015

Fwd: Notice of Intellectual Property Infringement - pce@pce-law.com - The Law Office of Peter Ezanidis Esq., LLC Mail

From: **Etsy Legal** <legal@etsy.com>  
Date: Tue, Nov 10, 2015 at 6:12 PM  
Subject: Notice of Intellectual Property Infringement  
To: [YaFilthyAnimalStore@gmail.com](mailto:YaFilthyAnimalStore@gmail.com)



Dear YaFilthyAnimal Store,

Etsy received a notice of trademark infringement from Santana Cline alleging that certain material on Etsy is not authorized. In accordance with our [Intellectual Property Policy](#), Etsy deactivated the material specified as infringing -- 2 listing(s).

If you have questions about the notice, you may consider contacting Santana Cline ([merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)), the authorized representative of Santana Cline who provided Etsy with the notice, or talk to an attorney. Also, please reference the following [help article](#) for insight about how Etsy handles these types of notices and issues.

Do not re-activate the material unless you've resolved the issue with the notifying party and/or intellectual property owner. Repeat notices of infringement may result in the loss of account privileges.

Below is the information provided in the notice:

**Santana Cline Representative's Information**

Name: Santana Cline  
Company or organization: The Dark Monkey, LLC  
Job title: Owner  
Email: [merrychristmastees@gmail.com](mailto:merrychristmastees@gmail.com)

**Santana Cline Intellectual Property**

**Intellectual Property: Merry Christmas Ya Filthy Animal**

Intellectual Property Right: trademark

Trademark registration number: 86805363

Trademark jurisdiction: USPTO

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Trademark information: Trademark Registration: pending

Trademark application classes: 040- Custom Imprinting of Goods

Legal basis for trademark: Imprinting Design Copyright and Trademark of Custom Christmas Apparel Company

Trademark first year: 2010

Use of trademark: In Store and Online - Web stores

Type of infringing material: listing

Infringing material reported:

<https://www.etsy.com/listing/205485385/merry-christmas-ya-filthy-animal-funny>

<https://www.etsy.com/listing/211010672/ladies-merry-christmas-ya-filthy-animal>

Thank you,

Etsy Legal

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal representation. For legal help, please consult an attorney.

You are receiving this email from Etsy, Inc. because you registered on [Etsy.com](https://www.etsy.com) with this email address.

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PLAINTIFF'S EXHIBIT

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